

Memorandum

To: Members, Planning and Zoning Commission

From: Mary Young, AICP, Planning and Zoning Director

Date: April 28, 2017

Re: 15 Imperial Avenue, Special Permit/Site Plan Appl. #17-023

Statutory Time Lines

Application Submission Date: 4/6/17

Application Receipt Date: 4/13/17

65 Days from Date of Receipt (when public hearing must open): 6/4/17

Public Hearing Scheduled to Open: 5/4/17

35 Days from Public Hearing Commencing (when hearing must close): 6/4/17

65 Days from Close of Public Hearing (when decision required):

Summary

Have all the documents been submitted as required pursuant to §44?	Yes
Were any waivers to submit documents requested from the Planning Director pursuant to §44-4?	None requested
Were variances requested from the Zoning Board of Appeals pursuant to §46?	None requested
Does the application appear to meet all applicable zoning requirements?	Yes, if the requested reduction of two (2) parking spaces is granted.
Have all approvals been received pursuant to §44-2?	The Architectural Review Board recommended approval at their 2/28/17 meeting.
Other comments?	<p>The Planning and Zoning Commission should determine whether the application conforms to the:</p> <ul style="list-style-type: none">• Standards for Reduction of Parking Requirements listed in §34-4;• Site Plan standards/objectives in §44-5;• Special Permit standards in §44-6; and <p>whether the application may be considered consistent with the 2007 Plan of Conservation and Development.</p>

Description of Application

Applicant/Property Owner	John Roundtree, applicant/Imperial Ave. Associates, LLC, property owner
Requested Action	Special Permit/Site Plan approval
Purpose	Reduction in Parking Spaces to accommodate 343 SF medical addition to 2 nd floor of existing building
Existing Zoning	Restricted Professional Office District (RPOD)
Location	East side of Imperial Avenue, within CAM boundary, but exempt from requiring CAM approval, within the 100 and 500-year flood zones, but building is outside 100-year floodplain, outside the Village District, Parcel ID# D09013000.
Lot Size	0.252 acres (10,998 SF)
Existing Land Use	Medical (Dentist Office)
Surrounding Land Use and Zoning	Professional Office Buildings, Town of Westport Center for Senior Services and Residential uses
2007 Plan of Conservation and Development	<p>Chapter 7 (<i>Maintain Distinctive Centers with a Strong Sense of Place</i>) includes the following goal:</p> <p><i>“Improve the appearance and functioning of all commercial areas and minimize negative influences on neighboring residential quality of life.” Pg. 7-1</i></p> <p>Chapter 9 (<i>Promote Sustainable Initiatives</i>) includes the following goal:</p> <p><i>“Reduce land coverage and building size to conserve energy.” Pg. 11-5</i></p>
Zoning History	<p>Zoning Permit pending for Free-Standing Sign for Imperial Dental Associates (ready to be picked-up)</p> <p>April 2008: Z.P. #36025 issued for work approved per Res. #07-074. ZCC required, but not obtained.</p> <p>January 2008: Site Plan approval issued by the Administrative Review Committee to convert Office space on the 2nd floor to Medical Space for three dental treatment rooms requiring a total of 13 parking spaces that was satisfied by available on-site parking.</p> <p>March 1981: Z.P. #17641 issued for addition to dentist’s office. ZCC required, but not obtained.</p> <p>July 1980: Variance #3135 granted for side setback to permit an addition to dentist’s office.</p>

Applicable Regulations	§21, RPOD; §34, Off-Street Parking and Loading; §35, Landscaping, Screening and Buffer Areas; §43 /§44, Special Permit and/or Site Plan Procedures / Documents; §44-6 Special Permit Standards
------------------------	--

Background

15 Imperials Avenue is a 0.252 acres (10,998 SF) property located within the Restricted Professional Office District (RPOD). It is adjacent, but not within, the recently adopted Village District Overlay/Westport Center (VDO). 15 Imperial Avenue is on the east side of the street. The property is located within the Coastal Area Management (CAM) boundary, and within the 100 and 500-year flood zones. The existing building is located outside the 100-year floodplain,

The site is improved with a 2,297 SF building used as dental offices and a 13-space parking lot. Site Plan approval was granted in 2007 and a Zoning Permit issued to convert existing 2nd floor space from Office to Medical (dental office). The work was completed, but no Zoning Certificate of Compliance (ZCC) issued. The same applicant that obtained this approval is seeking another approval herein and has been encouraged to close out the old approvals.

The property is non-conforming to allowable building setbacks for which a variance was granted in 1980. The degree to which existing landscaping conforms to the regulations could not be confirmed based upon the application materials, but the applicant advised the parking lot does not comply with the Parking Area requirements (1 shade tree per every 10 spaces). This fact makes the application eligible for a reduction in parking (waiver) pursuant to §34-4, discussed herein. This fact also creates an opportunity to bring the parking lot into conformance with the landscaping standards. The applicant has requested an on-site meeting with the Tree Warden to obtain guidance on how to bring the site into zoning compliance as part of his proposal.

Proposal

The applicant is seeking Special Permit/Site Plan approval for a Reduction in Parking for two (2) parking spaces to support a 2nd story 343 SF addition to the Medical building to accommodate expansion of the existing dental practice to provide for a new office, a treatment room for “hygiene overflow,” and a room for an x-ray machine. No site work is proposed.

Analysis

Types of Uses:	Existing Proposed: Medical bldg., <i>no change</i>
Setbacks: <i>(variance granted for setbacks in 1980 per Case #3135)</i>	Required: 30' front; 15' side; 25' rear Existing: >30; 11.6' side; >30' rear Proposed: Addition will conform to allowable setbacks, >30' front; >15' side; >25' rear
Coverage:	Required: 20% Existing/Proposed: 10.86%, <i>no change</i>
Floor Area:	Existing: 2,297 SF Proposed addition: 343 SF Total equals = 2,640 SF

Parking Computations: <i>See discussion below</i>	Required: 1 space per 165 SF of office use; Existing: 13 spaces provided for 2,297 SF Proposed: 13 spaces plus a 2-space waiver
Landscape Computations: <i>See discussion below</i>	Required: 30' front landscape area with 1 shade tree, and parking lot containing 1 shade tree for every 10 parking spaces. The 13 spaces on site require 1 shade tree in the parking field. Existing: Site complies with front landscape requirements, but does not comply with Parking Area requirements Proposed: The applicant has requested the Tree Warden meet with him on site to evaluate how/where to locate one (1) parking tree.

Considerations

Coastal Area Management (CAM)

Although the property is located within the Coastal Area Management boundary, Coastal Site Plan approval is not required in accordance with §31-10.6.7, as the proposal to add 343 SF to the 2nd floor is considered minor. "Minor" is defined as less than 1,000 square feet of building coverage, or less than 1,000 square feet of floor area or fewer than four (4) new parking spaces.

§34-4, Reduction of Parking by Special Permit

A Reduction of Parking for (2) spaces is requested pursuant to §34-4. This section authorizes the Planning and Zoning Commission to consider reducing the minimum parking requirements in cases involving a Change of Use or extension or expansion of a building, provided that:

- (a) *The site is non-conforming with respect to parking and/or landscaping, and*
- (b) *Such a reduction shall not be more than the greater of:*
 - (i) *three parking spaces, or*
 - (ii) *five percent (5%) of the total number of parking spaces shown on the proposed comparison map (if applicable, otherwise on the existing comparison map).*

The site is non-conforming to the Parking Area landscape requirements and the request is for two (2) spaces; therefore, the Planning and Zoning Commission may consider the request for Reduction of Parking. The 343 SF addition requires two (2) parking spaces as the 343 SF addition divided by the 1 per 165 SF medical parking requirement = 2.07 or 2 spaces.

A dentist office may be self-regulating with regard to supplying sufficient parking for their on-site demand. Additionally the proposed space is designed to create accessory workspace for the existing employees and their equipment needs. Lastly, the Police Department have offered no objections.

§34-3, Parking Requirements of Developed Sites

The focus of the Planning and Zoning Commission is on the proposed 343 SF building addition, not the entire building square footage pursuant to §34-3 that limits review to only the proposed change:

"When a proposed change of use or extension or expansion of a building or structure causes an increase in the number of parking spaces required, the incremental parking, and only the incremental parking, shall be required to be additionally provided."

This point is highlighted because the Administrative Review Committee (ARC) in 2007 appears to have approved only 13 spaces for the 2,297 SF building that would have required 13.92 spaces or 14. The ARC may not have realized that §2-1, Major Fractions, requires fractions to be rounded-up when determining minimum parking requirements. §2-1 states:

“For the purposes of determining density and parking requirements, major fractions of 0.5 or more may be rounded up and under 0.5 may be rounded down.”

The Major Fractions requirement does not apply to landscaping however, as the P&Z Commission made a prior finding that “rounding” is only required when explicitly authorized by the regulations.

Landscaping and Other Zoning Compliance

The Planning and Zoning Commission should require the applicant implement any recommendations for landscaping the parking area when received from the Tree Board, following his consultation with the Tree Warden. §35-4, Landscaping of Developed Site, authorizes the Commission to require the applicant bring the site into compliance. §35-4 states:

“For any Site Plan application involving the expansion or structural alteration of an existing building and/or a new use or change of use for a developed site, the landscaping shall be brought up to current standards as contained in this Section.”

The applicant should also be encouraged to close out the two open zoning permits he previously obtained that appear to require final Engineering signoff prior to issuance of a Zoning Certificate of Compliance. This is a recommendation, but not a requirement, as neither staff nor the Commission may condition their processing on application based upon lack of action associated with another approval based upon prior advice from the Town Attorney. It is assumed the applicant or his client “forgot,” and this will serve as a reminder to close out the permits.

Standards and Requirements

§44-5 lists the Site Plan Standards and Objectives the Planning and Zoning Commission must consider in reviewing the application. The application appears to conform to all applicable standards and objectives. §44-6 lists the Special Permit standards the Commission must consider in reviewing the application. Conformance with the *Plan of Conservation and Development* is one of these standards. The Commission may find the request to grant a Reduction of Parking thereby reducing the need for more impervious surfaces is consistent with the following goals listed in the *2007 Plan of Conservation and Development*:

- *“Improve the appearance and functioning of all commercial areas and minimize negative influences on neighboring residential quality of life,” Pg. 7-1; and*
- *“Reduce land coverage and building size to conserve energy.” Pg. 11-5.*

As a Special Permit application the Planning and Zoning Commission has discretion to modify the plans as deemed necessary to conform to the Special Permit standards. The Commission may approve, approve with modifications, or deny the application as deemed necessary.

If the application is approved the applicant will need to obtain a Zoning Permit. Prior to issuance of a Zoning Permit, the applicant should be required to:

1. Submit a cost estimate to the P&Z Department review and post a corresponding bond upon approval by the P&Z Staff; and
2. Record the resolution of approval on the land records.

Department Comments

Architectural Review Board	Approval recommended at their 2/28/17 meeting
Health Department:	Referral sent
Police Department:	"No public safety concerns at this time." 4/27/17
Tree Board	Referral sent

A formal field trip to the site is not scheduled. Planning and Zoning Commission members are encouraged to visit the site and to observe current utilization of available parking on site. Any observations made should be shared during the public hearing.

Attached

Applicant's Narrative, dated March 6, 2017

Building Plans prepared by John Roundtree, Architect, (2 sheets) revised 3/28/17

Site Plan, prepared by Leonard Surveyors, dated 10/14/10, revised 3/28//17 by John Roundtree

MARILYN R. GENI, D.M.D.
PAMELA KARKUT, D.M.D.

15 IMPERIAL AVENUE WESTPORT, CT 06880
(203) 227-2520 fax (203) 454-8710 reception@genidm1.com



March 16, 2017

Ms. Mary Young
Planning and Zoning Department
Town Hall
110 Myrtle Ave
Westport, CT 06880

RECEIVED
APR 06 2017
WESTPORT P. & Z. C.

Re: 15 Imperial Ave

Dear Ms. Young,

I am working with my architect, John Rountree, on the expansion of our dental office at 15 Imperial Ave. We would like to add approximately 350SF on the 2nd floor that would include an office for myself and my partner, a treatment room for hygiene dept overflow and a small room for a X-ray machine.

The addition would be built in the rear of the building over an existing one story section. There would be no expansion of the footprint and no issues with setbacks or coverage caused by the addition.

It is my understanding that the additional floor area would require the addition of 2 parking space to the 13 we currently have. Mr. Rountree has reviewed our site plan and determined that it would not be possible to add those spaces and so, we would like to request a waiver from that requirement.

We do not plan to add staff as a result of the addition and the existing parking has been adequate for us for many years. I have attached a few photos of our parking lot at various times of a typical day and you can see that there are always open spaces.

Please feel free to contact me if you have any questions or would like to stop by to see our building and parking lot.

Sincerely,

Dr. Marilyn Geni, D.M.D